

1 Rule 37. Child ~~P~~protective orders.

2 (a) Child ~~P~~protective order proceedings are governed by Section 78-3h-101 et seq.
3 Protective order proceedings may be commenced as an independent action by filing a
4 petition. Any interested person may file a petition for a protective order on behalf of a
5 child ~~as provided by statute who has been abused, sexually abused, neglected, or~~
6 ~~abandoned or is in imminent danger of being abused, sexually abused, neglected, or~~
7 ~~abandoned~~. The petitioner shall first make a referral to the division. If an immediate ex
8 parte protective order is requested pending a hearing, the petition or an accompanying
9 affidavit shall set forth the facts constituting good cause for issuance of the ex parte
10 order.

11 (b) If the petitioner is the agent of a public or private agency, including a law
12 enforcement agency, the petition shall set forth the agent's title and the name of the
13 agency that the petitioner represents.

14 (c) Petitions for protective orders by a public agency shall not be accepted by the
15 clerk unless reviewed and approved by the attorney for the public agency, whose office
16 shall represent the petitioner in such cases.

17 (d) The petitioner, if a private person or agency, and the respondent may be
18 represented by retained counsel. Counsel may be appointed by the court for an indigent
19 respondent who is a parent, guardian or custodian of the child alleged to be abused or
20 threatened with abuse. If the court finds in the hearing that the allegations of the petition
21 have been established, the court may assess petitioner's costs and attorney fees
22 against the respondent. If the court finds that the petition is without merit, the
23 respondent's costs and attorneys fees may be assessed against petitioner.

24 (e) If an ex parte order has been issued, the hearing must be held within 20 days
25 excluding Saturdays, Sundays and legal holidays.

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